IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22062 of 2004

Between:

Chandraiah S/o.Mogulaiah
R/o.Tandur, Ranga Reddy District.

..... PETITIONER

AND

1 Proh. & Excise Superintendent-Cum-Functional Registrar TTCS Rangareddy District, Hyderabad.
2 The Commissioner of Proh. and Excise Govt of A.P. Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents in not considering the request of the petitioner for forming new Toddy Tappers Cooperative Society at Tandur as per the excise Policy 2004-2005 as illegal, arbitrary, unjust and further direct the respondents to consider the representation Dt.20.11.2004 of the petitioner for forming new toddy tappers cooperative society at Tandur.

Counsel for the Petitioner:MR.T.AMARNATH GOUD

Counsel for the Respondents 1 and 2.: GP FOR PROHIBITION & EXCISE

The Court, at the stage of admission, made the following :

ORDER:

Petitioner and thirteen others are said to have filed an application before the 1st respondent on 20.11.2004 with a request to form a Toddy Tappers Co-operative Society at Tandur. Their grievance is that though similar applications have been made on earlier occasions, no action has been taken in spite of directions issued by this Court. They claim that there cannot be any hurdle or impediment for acceding to their request, in view of the present policy.

Heard the learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise.

The Andhra Pradesh Excise Act and the Rules made thereunder read with Andhra Pradesh Co-operative Societies Act prescribe the procedure for establishment and formation of Toddy Tappers Co-operative Societies. The Government issues and declares Policy year after year covering the matters relating to formation or bifurcation of Societies, as the case may be. The question as to whether the petitioners fulfill the qualifications or whether there exist the circumstances for formation of a Society, needs to be considered by the 1st respondent. Having regard to the fact that the policy itself is meant for a limited period, respondents cannot sit over the matter indefinitely.

Hence, the writ petition is disposed of directing the respondents to pass appropriate orders on the application submitted by the petitioner, within six weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

L.NARASIMHA REDDY, J

Dated : 1st December, 2004

Note: Office to furnish copy

in three days.

(B/o.)

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To

1 Proh. & Excise Superintendent-Cum-Functional Registrar TTCS Rangareddy District, Hyderabad.
2 The Commissioner of Proh. and Excise Govt of A.P. Hyderabad

3 2 CCS to the G.P. for Prohibition and Excise, High Court of A.P., Hyderabad (OUT).

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